

REMARKS

Claims 1-30 are pending in the application.

I. THE CLAIM 15 AMENDMENT

Claim 15 is amended above to indicate that the sampled signals are processed with a space-time processor to give space-time processed signals. No new matter is added to the application by this amendment.

II. THE RESTRICTION REQUIREMENT

The examiner requires restriction of the claims of the above identified invention to one of two inventions. The above-identified application is a PCT national phase application. Therefore, any restriction requirement for this application must be based upon a unity of invention claim analysis. The present restriction requirement is improper because it is not premised upon unity of invention principals. Moreover, all of the application claims possess unity of invention and must be examined together.

A. The Restriction Requirement Must Be Withdrawn Because It Is Not Based Upon A Unity Of Invention Analysis

The examiner has incorrectly analyzed the claims of this application for restriction purpose using U.S. restriction practice principals. The examiner concluded that restriction of the invention is necessary because the inventions I and II/III are independent and distinct from each other. The examiner also maintains that inventions II and III are distinct because they do not overlap. Moreover, the examiner cited to MPEP § 806.05(d) in support of the lack of distinctiveness position.

MPEP section 806.05(d) and claim distinctiveness are not pertinent to a unity of invention analysis. The proper unity of invention analysis is whether or not there is a special technical relationship among the inventions that involve one or more of the same or corresponding technical features. "Special technical features" are technical features that define a contribution which each of the inventions are considered as a whole to make over the prior art.

B. All Claims Share Common Special Technical Features

The pending application includes two independent claims – claims 1 and 15. Both claims

share common special technical features that require them to be examined together along with all their dependent claims. At least one special technical feature common to all claims is a space-time processor or space-time processing step that converts input signals into space-time processed signals. There are other features common to both independent claims that alone or together cause all pending claims to share common special technical features.

C. The Provisional Election

The Applicant provisionally elects to proceed with the examination of Group II claims 1-14 and 28-29. This election is made with traverse.

Date: January 22, 2009

By: /A. Blair Hughes/
A. Blair Hughes
Reg. No. 32,901
312-913-2123
hughes@mbhb.com